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09/389,299	09/02/1999	TETSUYA KOBAYASHI	03327.2220	5264

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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/389,299

Applicant(s)

KOBAYASHI ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/27/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on 27 May 2005 has been noted and made of record.
2. Claims 1-28 have been presented for examination.

Response to Arguments

3. Applicant's arguments filed 27 May 2005 have been fully considered but they are not persuasive.
4. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
5. In response to the Applicant's argument that the claims are distinguishable over the prior art because the prior art does not teach pausing independently of the remaining plurality of jobs in response to a predetermined event, the Examiner disagrees. As illustrated by Figures 40a, 40b, and 40c, as well as described in column 51, line 60 to column 52, line 4, Suzuki discloses three jobs, Jobs A, B, and C. When a pause command is issued Job A is passed to the pause queue, and the printer queue starts to process the next job, Job B, column 51, lines 62-65.
6. Therefore, Suzuki discloses a pausing a job independently of the remaining jobs.
7. In response to the Applicant's allegation that the Examiner admitted that the AAPA and Hisatake fail to overcome the deficiencies of Suzuki, the Examiner disagrees. The Examiner has made no such admission or concession on the record, and believes that the AAPA and Hisatake in combination with Suzuki provide a reasonable expectation of functionality and success.
8. See further rejections that follow.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-11, 13, and 15-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,213,652 Suzuki et al., hereinafter Suzuki, in view Applicant's Admitted Prior Art, hereinafter AAPA, and further in view of U.S. Patent No. 5,669,040 to Hisatake, hereinafter Hisatake.

11. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

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12. As per claim 1, Suzuki teaches a job execution control apparatus, comprising:
 - an execution section (Figure 34 [block 313]; column 48, lines 27-59);
 - a setting section that allows a user to set a pause condition of a job (column 48, line 67 to column 49, line 4; column 49, lines 23-48, i.e. jobs are paused according to a user's instructions);
 - a storage section that stores the pause condition set by the setting section (Figure 36 [block 330a]; column 49, lines 23-48; i.e. waiting to receive a pause command from a user);
 - a pause section that makes an execution of at least one of the plurality of jobs satisfying the pause condition pause independently of the remaining plurality of jobs in response to a predetermined event (Figures 34 [block 312e] 37, 40a-40c, column 50, lines 8-53, column 51, line 60 to column 52, line 7);
13. Suzuki does not teach executing the jobs in a parallel manner.
14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to execute the jobs in a parallel manner, since the AAPA holds that it is well known to execute a plurality of jobs in a parallel-manner on page one of "Background of the Invention."
15. Suzuki does not teach a display section that displays the pausing job made to pause by the pausing section; a specifying section that specifies at least one job among the pausing jobs displayed on the display.
16. Hisatake discloses a display section that displays the pausing job made to pause by the pausing section (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39);
 - a specifying section that specifies at least one job among the pausing jobs displayed on the display (Figures 7 and 8 [blocks U12a, U12c], 9 [block SU4], 10 [block SU27], 14 [block

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U34c], 16, 23 [block SO4], 25 [block U25c], 26 [block U62c], 27 [block U72d]; column 13, line 62 to column 14, lines 17; column 15, lines 20-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a display section and a specifying section, since Hisatake states at column 2, lines 27-31 that such a modification would allow an operator to reliably and easily identify an already registered job and alter its processing content without delaying processing of the other jobs.

17. Regarding claim 2, Hisatake teaches a stopping section that stops the specified job (Figures 7 and 8 [block U12b], 9 [block SU5], 10 [blocks SU21, SU28], 14 [block U34b], 16 [block U34b], 25 [block U52b], 26 [block U62b], 27 [block U72c]; column 13, lines 15-20).

18. Regarding claim 3, Suzuki teaches a restarting section that restarts the specified job (Figure 38; column 50, line 55 to column 51, line 24).

19. Regarding claim 4, Hisatake teaches that wherein the condition of the job which is directed to the pausing job is specified by a kind of the job (Figures 7 and 8 [blocks L1, L2, L3, L4], 14 [blocks U31, U32, U33, U34e]; column 17, line 45 to column 18, line 5).

20. Regarding claim 5, Hisatake teaches wherein the condition of the job which is directed to the pausing job is specified by a parameter of the job (Figure 27 [block U72b]; column 13, lines 30-62).

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21. Regarding claim 6, Hisatake teaches wherein the display displays only the pausing job (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39).

22. Regarding claim 7, Hisatake teaches wherein the display displays jobs other than the pausing job (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39).

23. Regarding claim 8, Suzuki teaches the predetermined event is an instruction input operation from the user (column 48, line 67 to column 49, line 4; column 49, lines 23-48).

24. Regarding claim 9, Hisatake teaches setting section that sets an additional condition under which the job pauses in addition to the condition set by the setting section that sets the pause condition (Figures 7 and 8 [blocks U12a], 9 [blocks SU9, SU10], 10 [blocks SU32, SU33], 12, 22, 28; column 13, line 56 to column 14, line 17).

25. Regarding claim 10, Suzuki teaches the additional condition to be defined as to whether the job corresponds to a background job or a foreground job (column 49, lines 23-47, i.e. background job = wait state; foreground job = executing).

26. As per claims 11, 18, 19, 21, and 22, Suzuki teaches a job execution control apparatus comprising:

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an execution section (Figure 34 [block 313]; column 48, lines 27-59);

a storage section that stores a first condition satisfied by a job which is stopped without any restriction in response to a predetermined event (Figure 36 [block 330a]; column 49, lines 23-48);

a pause section that makes an execution of at least one of the plurality of jobs satisfying the second condition pause in response to the predetermined event (Figure 34 [block 312e], 37; column 50, lines 8-53).

27. Suzuki does not teach executing the jobs in a parallel manner.

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to execute the jobs in a parallel manner, since the AIPA holds that it is well known to execute a plurality of jobs in a parallel-manner on page one of "Background of the Invention."

29. Suzuki does not disclose a second condition satisfied by a job which pauses in response to the predetermined event. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for a second condition to be satisfied by a job which pauses in response to the predetermined event, since it has been held that merely duplicating a step in order to have a multiple effect requires only routine skill in the art. See MPEP § 2144.04; see *In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960).

30. Suzuki does not disclose a stop section that stops the job satisfying the first condition in response to the predetermined event; a display that displays the pausing jobs made to pause by the pause section; and a designation section that designates at least one job from the pausing jobs to stop, or restart the designated job.

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31. Hisatake discusses a stop section that stops the job satisfying the first condition in response to the predetermined event (Figures 7 and 8 [blocks U12b, U12d], 9 [blocks SU5, SU7], 10 [blocks SU21, SU28, SU30], 14 [blocks U34b, U34d], 16 [blocks U34b, U34d], 25 [blocks U52b, U52d], 26 [blocks U62b, U62d], 27 [blocks U72c, U72e]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 18-26);

a display that displays the pausing jobs made to pause by the pause section (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39); and

a designation section that designates at least one job from the pausing jobs to stop, or restart the designated job (Figures 7 and 8 [block U12b], 9 [block SU5], 10 [blocks SU21, SU28], 14 [block U34b], 16 [block U34b], 25 [block U52b], 26 [block U62b], 27 [block U72c]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 18-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a stop section, display section and a specifying section, since Hisatake states at column 2, lines 27-31 that such a modification would allow an operator to reliably and easily identify an already registered job and alter its processing content without delaying processing of the other jobs.

32. Regarding claim 13, Suzuki teaches wherein the predetermined event is an operation of a predetermined key provided on a portion except for the display (Figure 36 [block 330a]; column 49, lines 23-48).

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33. Regarding claims 15 and 20, Hisatake teaches wherein the storage section further stores an attribute of a job which is directed to a pausing job (column 13, line 47 to column 14, line 6).

34. Regarding claim 16, Hisatake teaches further comprising:

a notifying section that notifies at least an identifier of the pausing job in response to a predetermined event (Figures 9 [blocks SU9, SU10], 10 [blocks SU32, SU33], 12 [block S34], 28 [blocks S102, S104, S115, S116]; column 13, lines 30-62; column 16, lines 11-23);

a stopping section that stops at least one job instructed by the instruction apparatus among the pausing jobs (Figures 7 and 8 [block U12b], 9 [block SU5], 10 [blocks SU21, SU28], 14 [block U34b], 16 [block U34b], 25 [block U52b], 26 [block U62b], 27 [block U72c]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 7-27).

35. Regarding claim 17, Hisatake teaches wherein the display is provided with a touch panel function for displaying information related to one job that is being executed (Figure 8 [block U2]; column 12, lines 54-67).

36. Regarding claims 23-28, Suzuki discloses wherein said predetermined event includes an instruction input operation of a user (column 48, line 67 to column 49, line 4; column 49, lines 23-48).

Conclusion

37. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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38. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

41. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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